



# राजपत्र, हिमाचल प्रदेश

## (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, 29 नवम्बर, 2006/8 अग्रहायण, 1928

हिमाचल प्रदेश सरकार

नगर एवं ग्राम योजना विभाग

अधिसूचना

शिमला-171002, 20 नवम्बर, 2006

संख्या टी० सी० पी०-एफ० (5)-2/2004.—हिमाचल प्रदेश टाउन एण्ड कन्ट्री प्लानिंग (संशोधन) नियमों, 2006 का प्रारूप इस विभाग की समसंख्यक अधिसूचना तारीख 8-9-2006 द्वारा प्रकाशित किया गया था और जिसे हिमाचल प्रदेश नगर और ग्राम योजना अधिनियम, 1977 (1977 का 12) की धारा 87 की उप-धारा (1) के अधीन यथा अपेक्षित के अनुसार इससे सम्भाव्य प्रभावित होने वाले व्यक्तियों से सुझाव और आक्षेप आमन्त्रित करने के लिए, तारीख 8-9-2006 के राजपत्र, हिमाचल प्रदेश (असाधारण) में प्रकाशित किया गया था।

और राज्य सरकार द्वारा इस निमित्त नियत अवधि के भीतर बहुत से आक्षेप और सुझाव प्राप्त हुए और नियत अवधि के भीतर प्राप्त आक्षेपों और सुझावों पर राज्य सरकार द्वारा सम्यक रूप से विचार किया गया।

अतः हिमाचल प्रदेश के राज्यपाल, इस विभाग की अधिसूचना संख्या टी० सी० पी०-एफ० (3)-3/2005, तारीख 29-9-2006 के अधिक्रमण में और हिमाचल प्रदेश नगर और ग्राम योजना अधिनियम, 1977 (1977



का 12) की धारा 39-ग के साथ पठित धारा 87 प्रदत्त शक्तियों का प्रयोग करते हुए नमूनिलिखित नियतम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(i) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश टाउन एण्ड कन्ट्री प्लानिंग (संशोधन), नियम, 2006 है।

(ii) यह नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

(iii) यह नियम 31-03-2007 तक प्रवृत्त रहेंगे।

(iv) यह नियम 30-06-2006 तक किए गए अनाधिकृत निर्माणों की बाबत योजना क्षेत्रों में आने वाले नगरपालिका क्षेत्रों सहित राज्य के समस्त योजना/विशेष क्षेत्रों में लागू होंगे।

2. नियम 19 ई के उप-नियम (3) के नीचे क्रम संख्या 5, 6 और 7 का जोड़ा जाना.—हिमाचल प्रदेश टाउन एण्ड कन्ट्री प्लानिंग रूलज़, 1978 (जिन्हें इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 19-ई के उप-नियम (3) की क्रम संख्या 4 के पश्चात् निम्नलिखित क्रम संख्याएं 5, 6 और 7 जोड़ी जाएगी; अर्थात् :—

#### ‘5. Composition Fee :

The composition fee for deviations/un-authorized constructions shall be charged as under:—

Sl. No.	Description	M. C. Shimla	Municipal Council/Nagar Panchayat	Planning/ Special Areas outside Municipal Area
1.	Where permission has been taken for building construction but deviations have been carried out:—			
	(i) Deviation to the extent of 50% in the Set Backs.	1st Storey to 5th Storey @ Rs. 500/- per M <sup>2</sup> .	1st Storey to 5th Storey @ Rs. 400/- per M <sup>2</sup>	1st Storey to 5th Storey @ Rs. 200/- per M <sup>2</sup>
2.	Where permission has been taken for building construction i.e. total un-authorized constructions:—			
	(i) Construction carried out conforms to Development Plan/ Interim Development Plan/ Rules.	Lump-sum Storeywise : 1st=Rs. 5000/- 2nd=Rs. 6000/- 3rd=Rs. 7000/- 4th=Rs. 8000/- 5th=Rs. 9000/-	Lump-sum Storeywise : 1st=Rs. 4000/- 2nd=Rs. 5000/- 3rd=Rs. 6000/- 4th=Rs. 7000/- 5th=Rs. 8000/-	Lump-sum Storeywise : 1st=Rs. 2000/- 2nd=Rs. 3000/- 3rd=Rs. 4000/- 4th=Rs. 5000/- 5th=Rs. 6000/-
	(ii) Excess coverage of Set Backs to the extent of 50% of permissible Set Backs.	1st Storey to 5th Storey @ Rs. 500/- per M <sup>2</sup> .	1st Storey to 5th Storey @ Rs. 400/- per M <sup>2</sup> .	1st Storey to 5th Storey @ Rs. 200/- per M <sup>2</sup> .
	(iii) Residential building with convenient shops at any one of the 5 storeys with sufficient space for parking of vehicles.	@ Rs. 800/- per M <sup>2</sup> .	@ Rs. 600/- per M <sup>2</sup> .	@ Rs. 200/- per M <sup>2</sup> .



## 6. Mode of Application :

(1) The owners of the buildings applying for composition of deviations/unauthorized constructions will apply on prescribed Form No. XVII-D to the competent authority on or before 31-12-2006.

(2) The application must be made in accordance with the following terms and conditions:--

- (i) The applicant will submit two photographs of the building clearly showing number of storeys alongwith Tatima, Jamabandi and copy of Sale deed.
- (ii) No demarcation shall be necessary unless the building is constructed along National Highway or is abutting the Government land.
- (iii) The applicant shall submit an affidavit to the effect that he has constructed his house on his own land and has not encroached upon any Government/other's land.
- (iv) Detailed Architectural Drawing of the existing building showing each storey with two cross sections and two elevations of the building alongwith site plan clearly showing building within Tatima shall be submitted.
- (v) Regarding laying of pipelines of water, sewerage, drainage and electricity poles/connections etc. the applicant will have to provide enough space required for this purpose so that these facilities could be provided to them by the competent authority.
- (vi) No Objection Certificate for water, electricity and sewerage connection shall be issued immediately after compounding the offence/regularization of building. On the receipt of application for releasing water, electricity and sewerage connections, the applicant will also have to deposit a sum of Rs. 1000/- per connection for providing water, electricity and sewerage connection.
- (vii) No regularization shall be done in case the owner has encroached upon the other land/Government land.
- (viii) The requirement of structural stability certificate as per Section 31-A of the TCP Act shall be mandatory.

## 7. Guidelines :

- (i) Only Residential buildings will be regularized with convenient shop at any one of the 5 storeys.
- (ii) The Deviations upto 50% of permissible Set Backs will be allowed.
- (iii) Regularization of Storeys upto 5 storeys will be considered irrespective of Floor Area Ratio (FAR) condition.
- (iv) Attic constructed for habitation purpose will be counted as a separate storey.
- (v) The buildings having more than 1.50 metre construction above National Highways/State Highways/Scheduled Roads on valley side shall not be regularized.
- (vi) No regularization shall be done on controlled area of National/State Highways and Scheduled Roads as per provisions of Himachal Pradesh Road Side Land Control Act, 1968. The required Set Back on aforesaid Highways/Roads shall be 8 Meters from the edge of the road land. The applicant shall have to submit No Objection Certificate of competent authority in this regard.
- (vii) These rules shall also be applicable to such buildings which have been constructed by the builders.



(viii) In Shimla Planning Area, 2+1 storeys in Core Area only (excluding Green and Heritage Area), in Restricted Area and Other Area 5 storeys including Parking and habitable Attic will be allowed.

(ix) Such unauthorized buildings, the boundaries of which have been changed at the time the settlement operation will be allowed for regularization on the basis of verification of old revenue boundaries existing before the settlement operation.

(x) These rules will also be applicable to the Houses/Flats sold under the Apartment Act.

(xi) These rules will be applicable to the lease holders who have been given/allotted plots by the Government or any other Agency (excluding the cases of HIMUDA) for a period of 99 years.

(xii) Un-authorized constructions on the areas/pockets kept for totlots/parks, sewerage or any other facilities in any approved sub-division of land by the competent authority shall not be regularized.

(xiii) Regularization of unauthorized constructions in sinking/sliding areas (if any) shall be upto two storeys subject to the recommendation of the Geologist."

3. नियम 19-ई के उप-नियम (3) के नीचे प्रथम परन्तुक का लोप.--"उक्त नियमों" में नियम 19-ई के उप-नियम (3) के नीचे आए प्रथम परन्तुक का लोप किया जाएगा।

आदेश द्वारा,

हस्ताक्षरित/-  
प्रधान सचिव।

[Authoritative English text of Government Notification No. TCP-F (5)-2/2004 dated 20-11-2006 as required under clause (3) of Article 348 of the Constitution of India].

## TOWN AND COUNTRY PLANNING DEPARTMENT

### NOTIFICATION

*Shimla-2, the 20th November, 2006*

**No. TCP-F (5)-2/2004.**—Whereas the draft Himachal Pradesh Town and Country Planning (Amendment) Rules, 2006 was published by this department vide notification of even number dated 8-9-2006 and the same was published in the Rajpatra, Himachal Pradesh (Extra-ordinary) dated 8-9-2006 for inviting objection(s) and suggestion(s) from the persons likely to be affected thereby, as required under sub-section (1) of section 87 of the Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977);

AND whereas number of objections and suggestions have been received within the stipulated period by the State Government in this behalf; whereas objections and suggestions received have been duly considered by the State Government.

Now, therefore, in supersession of this department notification No. TCP-A (3)-3/2005 dated 29-6-2006 and in exercise of the powers conferred by the section 87 read with section 39-C of the



Himachal Pradesh Town and Country Planning Act, 1977 (Act No. 12 of 1977), the Governor, Himachal Pradesh is pleased to make the following rules, namely:—

1. *Short title and commencement.*—(i) These rules may be called the Himachal Pradesh Town and Country Planning (Amendment) Rules, 2006.

(ii) These rules shall come into force from the date of their publication in Rajpatra, Himachal Pradesh.

(iii) These rules shall remain in force upto 31-3-2007.

(iv) These rules shall be applicable in all the Planning/Special Areas of the State including Municipal areas falling with the Planning Areas in respect of unauthorized constructions carried upto 30-6-2006.

2. *Addition of Sl. No 5, 6 and 7 below sub-rule (3) of rule 19-E.*—In Himachal Pradesh Town and Country Planning Rules, 1978 (hereinafter called the said rules), after serial No. 4 of sub-rule (3) of rule 19-E the following Sl. Nos. 5, 6 and 7 shall be added, namely:—

#### “5. Composition Fee :—

The composition fee for deviations/unauthorized constructions shall be charged as under:—

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1.	Where permission has been taken for building construction but deviations have been carried out:—			
(i)	Deviation to the extent of 50% in the Set Backs.	1st Storey to 5th Storey @ Rs. 500/- per M <sup>2</sup> .	1st Storey to 5th Storey @ Rs. 400/- per M <sup>2</sup> .	1st Storey to 5th Storey @ Rs. 200/- per M <sup>2</sup> .
2.	Where permission has been taken for building construction i. e. total un-authorized constructions:—			
(i)	Construction carried out conforms to Development Plan/ Interim Development Plan/ Rules.	Lump-sum Storeywise: 1st=Rs. 5000/- 2nd=Rs. 6000/- 3rd=Rs. 7000/- 4th=Rs. 8000/- 5th=Rs. 9000/-	Lump-sum Storeywise: 1st=Rs. 4000/- 2nd=Rs. 5000/- 3rd=Rs. 6000/- 4th=Rs. 7000/- 5th=Rs. 8000/-	Lump-sum Storeywise: 1st=Rs. 2000/- 2nd=Rs. 3000/- 3rd=Rs. 4000/- 4th=Rs. 5000/- 5th=Rs. 6000/-
(ii)	Excess coverage of Set Backs to the extent of 50% of permissible Set Backs.	1st Storey to 5th Storey @ Rs. 500/- per M <sup>2</sup> .	1st Storey to 5th Storey @ Rs. 400/- per M <sup>2</sup> .	1st Storey to 5th Storey @ Rs. 200/- per M <sup>2</sup> .
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- (v) Regarding laying of pipelines of water, sewerage, drainage, and electricity poles/connections etc. the applicant will have to provide enough space required for this purpose so that these facilities could be provided to them by the competent authority.
- (vi) No. Objection Certificate for water, electricity and sewerage connection shall be issued immediately after compounding the offence/regularization of building. On the receipt of application for releasing water, electricity and sewerage connections, the applicant will also have to deposit a sum of Rs. 1000/- per connection for providing water, eletricity and sewerage connection.
- (vii) No regularization shall be done in case the owner has encroached upon the others land/Government land.
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(xii) Un-authorized constructions on the areas/pockets kept for totlots/parks, sewerage or any other facilities in any approved sub-division of land by the competent authority shall not be regularized.

(xiii) Regularization of unauthorized constructions in sinking/sliding areas (if any) shall be upto two storeys subject to the recommendation of the Geologist."

3. *Deletion of First proviso below sub-rule (3) of Rule 19-E.*—In the "said rules" the first proviso appearing below sub-rule (3) of rule 19-E shall be deleted.

By order,

Sd/-  
Principal Secretary.

